

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 68 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SUBHASH SURYASWARUP SHARMA

Versus

STATE OF GUJARAT

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Appearance:

PARTY-IN-PERSON for Petitioner

MR MR ANAND, PP with MR ND GOHIL, APP for  
Respondents

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 29/01/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. M.R. Anand,  
Ld. P.P. with Mr. N.D. Gohil, Ld. A.P.P. for the  
respondents.

2. The petitioner has preferred this Special  
Criminal Application for extension of his furlough leave

or in the alternative for grant of parole leave on the ground that some after death ceremony on account of death of his father is yet to be performed and for that purpose he would still require a further period of 15 days.

3. On 22/1/1997 following order was passed :-

"Notice returnable on 29/1/1997. Service of notice waived by Mr. M.R. Anand, Ld. P.P. with Mr. N.D.Gohil, Ld. A.P.P.

In order to ascertain how much furlough leave is to the credit of the petitioner and to what extent he would be entitled to parole leave, notice is made returnable as stated above. However, till that date, there shall be extension of the leave granted to the petitioner. The petitioner is informed to remain present before this Court on 29/1/1997. D.S.P."

4. Now Mr. N.D. Gohil, Ld. A.P.P. has instructions from the jail authority. Accordingly, there is no furlough leave to the credit of the petitioner, period for which extension was granted by the aforesaid order and the further period which is considered by this order will have to be treated as parole leave. Some time would be required for the petitioner to undergo the formalities with regard to parole leave, which is being granted by this order. Considering such time and considering the time which the petitioner would require to follow the ceremonies as stated above would lead to the extension being granted by way of parole for a period of around 10 days from today. Following order is, therefore, passed :-

The petitioner shall be on parole for the extended period upto 11/2/1997 on which date the petitioner shall surrender to the jail custody. Rule made absolute accordingly. D.S.P.

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